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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/695,930 | 10/26/2000 | Thomas M. Cross | 2679.1 | 4330 |

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NEW YORK, NY 10112

EXAMINER

RHODE JR, ROBERT E

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|-------------------------------|------------------------------|--|
| Office Action Summary | Application No. 09/695,930 | Applicant(s) CROSS ET AL. | |
| | Examiner Rob Rhode | Art Unit 3625 | |

-- Th MAILING DATE of this communication appears on the cov r sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings filed on 10/26/2000 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shkedy (US 6,260,024 B1) in view of Official Notice.

Regarding Claim 14, Shkedy teaches a method for a central processing platform to convert a receivable, to be paid by a buyer to a seller, into a tradeable financial instrument, comprising - obtaining credit information relating to the buyer (Col 3, lines 22 – 24 and Col 10, lines 1 – 10); procuring insurance against non-payment of the receivable by the buyer (Col 25, lines 48 – 61); assessing risk of non-payment by the buyer based upon the obtained credit information, and information relating to the seller, in accordance with predetermined rules (Col 10, lines 1 – 25); procuring fraud insurance as to the receivable; procuring insurance against non-acceptance by the buyer of a product associated with the receivable (Col 25, lines 48 – 61); and becoming a payment agent for the receivable (Col 11, lines 18 – 20).

Please note, Shkedy does not specifically disclose the procuring of insurance for either fraud or failure to deliver. However, Shkedy does address at length the methods incorporated in the invention to prevent fraud. Additionally, Shkedy recognizes the possibility of the buyer not paying after delivery of product or service and addressed this concern through obtaining buyer funds up – front and holding in escrow. The funds are disbursed after buyer has inspected the delivered product or service from the seller. As importantly, it was well known at the time of the invention that a prudent business practice is to procure appropriate insurance in order to protect the business enterprise. In that regard, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method of Shkedy with fraud insurance to provide a

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sound financial basis for the enterprise. Moreover, it was a proven and sound business practice to have procured appropriate insurance such as fraud and non-payment for the B2B exchange service provider - in order to assure participants of the financial viability of the service provider as well as added protection for participants. In that regard, the trust of the participants will be increased and thereby increase the probability that they will continue to participate by reducing their financial risk.

Claims 1 - 13, 19 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin (US 6,332,135 B1) in view of Webber Jr (US 6,167,378).

Regarding claim 1 and related claims 5, 9, 13, 19 and 20, Conklin teaches a system, server, computer code, apparatus and method for facilitating commerce between a buyer and a seller, said system including a central processing platform comprising - a translation engine adapted to translate seller information relating to a product or service sale from a seller information format into a buyer information format and to forward the translated information to the buyer (see at least Col 20, lines 55 – 67, Col 21, lines 1 – 10 and Figure 3). Additionally and regarding claim 2 and related claims 6 and 10, Conklin teaches a system, wherein the seller information is sent to the central processing platform by e-mail (see at least Figure 11b) and regarding claim 3 and related claims 7 and 11, wherein the seller information is sent to the central processing platform by the seller filling out an HTML form at a Web site of the central processing platform (see at least Figures 4 and 10 – 1).

However, Conklin does not specifically disclose and teach a validation engine adapted to validate a transaction by matching billing information associated with the product sale, and supplied electronically by the seller to the central processing platform, with receipt and acceptance information associated with the product, supplied electronically by the buyer to the central processing platform; and a reconciliation engine adapted to discriminate and reconcile discrepancies between the billing information and the receipt and acceptance information.

On the other hand, Webber teaches a system, server, computer code, apparatus and method for a validation engine adapted to validate a transaction by matching billing information associated with the product sale, and supplied electronically by the seller to the central processing platform, with receipt and acceptance information associated with the product, supplied electronically by the buyer to the central processing platform (see at least Col 13, lines 10 – 28 and Col 14, lines 12 – 18); and a reconciliation engine adapted to discriminate and reconcile discrepancies between the billing information and the receipt and acceptance information (see at least Col 10, lines 52 – 67, Col 11, lines 1 – 24, Col 13, lines 24 – 27 and Figure 9). Moreover:

regarding claim 4 and related claims 8 and 12, Webber teaches a method wherein the seller information is directly accessed by the central processing platform from a

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database of the seller (see at least Col 15, lines 51 – 61, Col 19, 55 – 64 and Figures 4 and 9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the system, server, computer code, apparatus and method Conklin with the system, server, computer code, apparatus and method of Webber to enable a validation engine adapted to validate a transaction by matching billing information associated with the product sale, and supplied electronically by the seller to the central processing platform, with receipt and acceptance information associated with the product, supplied electronically by the buyer to the central processing platform; and a reconciliation engine adapted to discriminate and reconcile discrepancies between the billing information and the receipt and acceptance information – in order to provide a B2B community provider all the capabilities for integration of end – to – end supply chain transactions. In that regard, the provider will ensure trusted and complete end to end supply chain transactions for both buyer and seller, which increase the liquidity of the B2B marketplace and thereby increase the number of transactions - resulting in increased revenue for the B2B service provider.

Claims 15 - 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shkedy (US 6,260,024 B1) in view of Conklin (US 6,332,135 B1).

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Regarding claim 15 and related claim 18, Shkedy teaches a central processing platform controlling an associated processing financial institution, the central processing platform for facilitating an exchange of information and funds between a seller participant in an e-commerce marketplace and a buyer participant in the e-commerce marketplace, the central processing platform being operable to - receive billing information and other transaction information from the seller (see at least Col 4, lines 57 – 59 and Figure 10) and receive, by the associated processing financial institution, payment of funds from the buyer (see at least Col 7, lines 53 – 57 and Col 10, lines 1 – 4) as well as forward the received funds to a predetermined payee (see at least Col 13, lines 1 – 5 and Figures 8 – 10). Additionally and regarding claim 16, Shkedy teaches a central processing platform, wherein the predetermined payee is the seller or a representative of the seller (see at least Col 11, lines 4 – 19) and regarding claim 17, wherein the predetermined payee is a financial institution that previously has provided financing to the seller (Col 10, lines 2 – 3).

However, Shkedy does not specifically disclose and teach convert the billing information to an extensible markup language (XML) and forward the converted information to an XML interface of the marketplace.

On the other hand, Conklin teaches convert the billing information to an extensible markup language (XML) and forward the converted information to an XML interface of the marketplace (see at least Col 20, lines 33 – 39).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provide the central processing platform and method of Shkedy with the central processing platform and method of Conklin to enable the convert the billing information to an extensible markup language (XML) and forward the converted information to an XML interface of the marketplace – in order to ensure that the required information is transferred seamlessly between all marketplace participants. In that regard, the cost is reduced to all parties to engage in this online B2B commerce community as well as providing greater profit too.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is 703.305.8230. The examiner can normally be reached on M-F 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703.308.1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7658 for regular communications and 703.308.3687 for After Final communications.

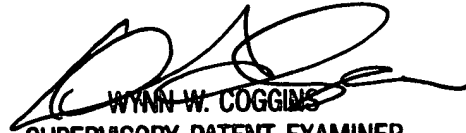
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.1113.

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RER

August 28, 2003



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